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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,901	09/27/2005	Mats Leijon	2816-11	4565
616 7590 04/26/2007 THE MAXHAM FIRM 9330 SCRANTON ROAD, SUITE 350 SAN DIEGO, CA 92121			EXAMINER GONZALEZ, JULIO C	
			ART UNIT 2834	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 04/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/550,901

Applicant(s)

LEIJON ET AL.

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-36 and 45-47 is/are rejected.
- 7) ☒ Claim(s) 37-44 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19-21, 29-31, 46, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodbridge et al (US 6,020,653) in view of Carroll (US 6,229,225) and Ordinary Skill in the Art.

Woodbridge et al discloses a wave power generator having hull 21, linear generator 12 connected to hull 21 (see figure 1).

However, Woodbridge et al does not disclose having a spring.

On the other hand, Carroll discloses for the purpose of capturing energy contained in surface waves while protecting the system, a wave power generator having a linear generator with a spring 19 (see figure 1).

However, neither Woodbridge nor Carroll discloses the amplitude percentage and the force factor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the disclosed amplitude percentage and force factor,

since it has been held that discovering the optimum value of result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the wave power assembly as disclosed by Woodbridge et al and to modify the invention by having a spring for the purpose of capturing energy contained in surface waves while protecting the system as disclosed by Carroll.

3. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodbridge et al, Carroll and Ordinary Skill in the Art as applied to claim 1 above, and further in view of Last et al (US 3,696,251).

The combined wave power assembly discloses all of the elements above. However, the combined wave power assembly does not disclose having a plurality of springs.

On the other hand, Last et al discloses for the purpose of deriving efficiently electrical energy from oscillating motion a device with a plurality of springs 10 (see figures 1, 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wave power assembly as disclosed above and to modify the invention by having a plurality of springs for the purpose of deriving efficiently electrical energy from oscillating motion as disclosed by Last et al.

4. Claims 28, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodbridge et al, Carroll and Ordinary Skill in the Art as applied to claim 1 above, and further in view of Taylor (US 4,434,375).

The combined wave power assembly discloses all of the elements above. However, the combined wave power assembly does not disclose having a plurality of wave power assemblies.

On the other hand, Taylor discloses for the purpose of outputting a constant flow of power, a plurality of wave power devices (see figures 1, 2) and that a gas spring 127c is used.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wave power assembly as disclosed above and to modify the invention by having a plurality of wave power devices for the purpose of outputting a constant flow of power as disclosed by Taylor.

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5. Claims 22-27, 33, 34, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodbridge et al, Carroll and Ordinary Skill in the Art as applied to claim 1 above, and further in view of Ordinary Skill in the Art.

The combined wave power assembly discloses all of the elements above.

However, the combined wave power assembly does not disclose having a 90% maximum length stroke and the force factor disclosed in such claims.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use such force factor and length stroke, since it has been held that discovering the optimum value of result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Allowable Subject Matter

6. Claims 37 – 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Julio C. Gonzalez
Primary Examiner
Art Unit 2834

Jcg

April 19, 2007